

FILED

April 20, 2021

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA
IN SUPREME COURT

A19-2059

State of Minnesota,

Respondent,

vs.

Kevin Stephen Ryan,

Petitioner.

ORDER

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the motion of Kevin Stephen Ryan for leave to proceed in forma pauperis be, and the same is, granted.

IT IS FURTHER ORDERED that the petition of Kevin Stephen Ryan for further review be, and the same is, denied.

Dated: April 20, 2021

BY THE COURT:



Lorie S. Gildea
Chief Justice

STATE OF MINNESOTA
IN COURT OF APPEALS
A19-2059

FILED

December 22, 2020

**OFFICE OF
APPELLATE COURTS**

State of Minnesota,

Respondent,

vs.

Kevin Stephen Ryan,

Appellant.

ORDER OPINION

Chisago County District Court
File No. 13-VB-19-37

Considered and decided by Reyes, Presiding Judge; Connolly, Judge; and Gaïtas, Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. Appellant Kevin Stephen Ryan argues on appeal that his conviction of petty-misdemeanor no proof of insurance under Minn. Stat. § 169.791, subd. 2 (2018), forces him to subsidize the speech of others and thereby violates his First Amendment rights.

2. On January 2, 2019, a Minnesota state trooper stopped appellant for speeding at 84 miles per hour in a 70 mile-per-hour zone. Appellant failed to show proof of insurance. Respondent State of Minnesota charged appellant by citation with three traffic violations: (1) driving after revocation; (2) speeding; and (3) no proof of insurance.

3. At a court trial, the district court dismissed the driving-after-revocation charge. In his closing argument, appellant argued that the requirement that he *have* insurance violates his right to freedom of speech. He cited no legal authority for his

argument, and neither he nor the state briefed the First Amendment issue at the district court.

4. The district court convicted appellant of speeding and no proof of insurance. It imposed a \$225 fine for the offenses. Citing this court's precedent, the district court determined that section 169.791, subd. 2, does not violate individual constitutional rights to travel or due process. *State v. Cuypers*, 559 N.W.2d 435, 437 (Minn. App. 1997). The district court did not address appellant's First Amendment argument.

5. "[A]n undecided question is not usually amenable to appellate review." *Hoyt Inv. Co. v. Bloomington Commerce & Trade Ctr. Assocs.*, 418 N.W.2d 173, 175 (Minn. 1988). And we generally do not address constitutional issues for the first time on appeal. *State v. Jackson*, 358 N.W.2d 681, 684 (Minn. App. 1984) (citing *In re Welfare of C.L.L.*, 310 N.W.2d 555, 557 (Minn. 1981)).

6. Appellant did not properly raise his First Amendment argument before the district court, and the district court did not address it. As a result, there is no decision for us to review. Appellant cannot now raise this issue. *Id.*

7. Additionally, inadequately briefed issues on appeal are not properly before this court. *State v. Butcher*, 563 N.W.2d 776, 780 (Minn. App. 1997), *review denied* (Minn. Aug. 5, 1997). "An assignment of error based on mere assertion and not supported by any argument or authorities in appellant's brief is waived" *State v. Andersen*, 871 N.W.2d 910, 915 (Minn. 2015) (quotation omitted).

8. Here, appellant cites minimal authority and does not point to speech by insurance companies with which he disagrees. He also appears to challenge the wrong

statute. He challenges section 169.791, subd. 2, which requires him to *show* proof of insurance, but his argument primarily challenges the requirement of Minn. Stat. § 65B.48, subd. 1 (2018), that he *have*, and therefore pay for, insurance. Appellant's First Amendment argument is inadequately briefed, and we therefore decline to address it.

9. Appellant raises additional constitutional arguments. But because he failed to raise these arguments at the district court and cites no authority to support them on appeal, we do not address them.

IT IS HEREBY ORDERED:

1. The district court's order is affirmed.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(b), this order opinion will not be published and shall not be cited as precedent except as law of the case, res judicata, or collateral estoppel.

Dated: December 22, 2020

BY THE COURT



Judge Peter M. Reyes, Jr.